

Calendar No. 722

111TH CONGRESS
2^D SESSION

S. CON. RES. 71

Recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. MENENDEZ, Mr. CARDIN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. MERKLEY, Mrs. McCASKILL, Ms. SNOWE, Mr. CASEY, Mr. LAUTENBERG, Mr. SANDERS, Mr. UDALL of Colorado, Mr. DODD, Mr. BENNET, Mrs. BOXER, Mr. BROWNBACK, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. UDALL of New Mexico, and Mr. COONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

DECEMBER 21, 2010

Reported by Mr. KERRY, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

CONCURRENT RESOLUTION

Recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

Whereas, in the aftermath of the Holocaust, the international community vowed “never again” to allow systematic killings on the basis of nationality, ethnicity, race, or religion;

Whereas a number of other genocides and mass atrocities have occurred, both prior to and since that time;

Whereas the United States Government has undertaken many initiatives to ensure that victims of genocide and mass atrocities are not forgotten, and as a leader in the international community, the United States has committed to work with international partners to prevent genocide and mass atrocities and to help protect civilian populations at risk of such;

Whereas the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, which declares genocide, whether committed in a time of peace or in a time of war, a crime under international law, and declares that the parties to the Convention will undertake to prevent and to punish that crime;

Whereas the United States was the first nation to sign the Convention on the Prevention and Punishment of the Crime of Genocide, and the Senate voted to ratify the Convention on the Prevention and Punishment of the Crime of Genocide on February 11, 1986;

Whereas the Act entitled, “An Act to establish the United States Holocaust Memorial Council”, approved October 7, 1980 (Public Law 96-388), established the United States Holocaust Memorial Council to commemorate the Holocaust, establish a memorial museum to the victims,

and develop a committee to stimulate worldwide action to prevent or stop future genocides;

Whereas the passage of the Genocide Convention Implementation Act of 1987 (Public Law 100–606), also known as the Proxmire Act, made genocide a crime under United States law;

Whereas, in response to lessons learned from Rwanda and Bosnia, President William J. Clinton established a genocide and mass atrocities early warning system by establishing an Atrocities Prevention Interagency Working Group, chaired by an Ambassador-at-Large for War Crimes Issues from 1998 to 2000;

Whereas, in 2005, the United States and all other members of the United Nations agreed that the international community has “a responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the United Nations Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” and to take direct action if national authorities are unwilling or unable to protect their populations;

Whereas the 2006 National Security Strategy of the United States stated, “The world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide. . . . We must refine United States Government efforts—economic, diplomatic, and law-enforcement—so that they target those individuals responsible for genocide and not the innocent citizens they rule.”;

Whereas the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace convened a Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, to explore how the United States Government could better respond to threats of genocide and mass atrocities;

Whereas the final report of the Genocide Prevention Task Force, released in December 2008, concluded that the lack of an overarching policy framework or a standing interagency process, as well as insufficient and uncoordinated institutional capacities, undermines the ability of the United States Government to help prevent genocide or mass killings and offered recommendations for creating a government wide strategy;

Whereas the former Director of National Intelligence, in his annual threat assessment to Congress in February 2010, highlighted countries at risk of genocide and mass atrocities and stated, “Within the past 3 years, the Democratic Republic of Congo and Sudan all suffered mass killing episodes through violence starvation, or death in prison camps : : : Looking ahead over the next 5 years, a number of countries in Africa and Asia are at significant risk for a new outbreak of mass killing.”;

Whereas the Quadrennial Defense Review, released in February 2010, states that the Defense Department should be prepared to provide the President with options for “preventing human suffering due to mass atrocities or large-scale natural disasters abroad”;

Whereas the 2010 National Security Strategy notes, “The United States is committed to working with our allies, and to strengthening our own internal capabilities, in

order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities.”;

Whereas genocide and mass atrocities often result from and contribute to instability and conflict, which can cross borders and exacerbate threats to international security and the national security of the United States;

Whereas the failure to prevent genocide and mass atrocities can lead to significant costs resulting from regional instability, refugee flows, peacekeeping, economic loss, and the challenges of post-conflict reconstruction and reconciliation; and

Whereas United States leadership and actions toward preventing and mitigating future genocides and mass atrocities can save human lives and help foster beneficial global partnerships: Now, therefore, be it

Whereas, in the aftermath of the Holocaust, the international community vowed “never again” to allow systematic killings on the basis of nationality, ethnicity, race, or religion;

Whereas a number of other genocides and mass atrocities have occurred, both prior to and since that time;

Whereas the United States Government has undertaken many initiatives to ensure that victims of genocide and mass atrocities are not forgotten, and as a leader in the international community, the United States has committed to

work with international partners to help to prevent genocide and mass atrocities and to help protect civilian populations at risk of such;

Whereas the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, which declares genocide, whether committed in a time of peace or in a time of war, a crime under international law, and declares that the parties to the Convention will undertake to prevent and to punish that crime;

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chaired by an Ambassador-at-Large for War Crimes Issues from 1998 to 2000;

Whereas, in 2005, the United States and all other members of the United Nations agreed that the international community has “a responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the United Nations Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”;

Whereas the United States and all other members of the United Nations further pledged that they were “prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the [UN] Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”;

Whereas the 2006 National Security Strategy of the United States stated, “The world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide. . . . We must refine United States Government efforts—economic, diplomatic, and law-enforcement—so that they target those individuals responsible for genocide and not the innocent citizens they rule.”;

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Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, to explore how the United States Government could better respond to threats of genocide and mass atrocities;

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Whereas, in February 2010, the former Director of National Intelligence, in his annual threat assessment to Congress, highlighted countries at risk of genocide and mass atrocities and stated, “Within the past 3 years, the Democratic Republic of Congo and Sudan all suffered mass killing episodes through violence starvation, or death in prison camps. . . . Looking ahead over the next 5 years, a number of countries in Africa and Asia are at significant risk for a new outbreak of mass killing.”;

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Whereas the 2010 National Security Strategy notes, “The United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that pre-

vention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities.”;

Whereas genocide and mass atrocities often result from and contribute to instability and conflict, which can cross borders and exacerbate threats to international security and the national security of the United States;

Whereas the failure to prevent genocide and mass atrocities can lead to significant costs resulting from regional instability, refugee flows, peacekeeping, economic loss, and the challenges of post-conflict reconstruction and reconciliation; and

Whereas United States leadership and actions toward preventing and mitigating future genocides and mass atrocities can save human lives and help foster beneficial global partnerships: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That the Senate—*

3 (1) recommits to honor the memory of the vic-
4 tims of the Holocaust as well as the victims of all
5 past genocides and mass atrocities;

6 (2) affirms that it is in the national interest
7 and aligned with the values of the United States to
8 work vigorously with international partners to pre-
9 vent and mitigate future genocides and mass atroc-
10 ities;

1 (3) supports efforts made thus far by the Presi-
2 dent, the Secretary of State, the Administrator of
3 the United States Agency for International Develop-
4 ment, the Secretary of Defense, and the Director of
5 National Intelligence to improve the capacity of the
6 United States Government to anticipate, prevent,
7 and address genocide and mass atrocities, including
8 the establishment of an interagency policy committee
9 and a National Security Council position dedicated
10 to the prevention of genocide and other mass atroc-
11 ities;

12 (4) urges the President—

13 (A) to direct relevant departments and
14 agencies of the United States Government to
15 review and evaluate existing capacities for an-
16 ticipating, preventing, and responding to geno-
17 cide and other mass atrocities, and to determine
18 specific steps to coordinate and enhance those
19 capacities; and

20 (B) to develop and communicate a whole of
21 government approach and policy to anticipate,
22 prevent, and mitigate acts of genocide and
23 other mass atrocities;

1 (5) urges the Secretary of State, working close-
2 ly with the Administrator of the United States
3 Agency for International Development—

4 (A) to ensure that all relevant officers of
5 the Foreign Service and particularly those de-
6 ploying to areas undergoing significant conflict
7 or considered to be at risk of significant con-
8 flict, genocide, and other mass atrocities receive
9 appropriate advanced training in early warning
10 and conflict prevention, mitigation, and resolu-
11 tion;

12 (B) to determine appropriate leadership,
13 structure, programs, and mechanisms within
14 the Department of State and the United States
15 Agency for International Development that can
16 enhance efforts to prevent genocide and other
17 mass atrocities; and

18 (C) to include relevant recommendations
19 for enhancing civilian capacities to help prevent
20 and mitigate genocide and mass atrocities in
21 the upcoming Quadrennial Diplomacy and De-
22 velopment Review;

23 (6) urges the Secretary of the Treasury, work-
24 ing in consultation with the Secretary of State, to
25 review how sanctions and other financial tools could

1 be used against state and commercial actors found
2 to be directly supporting or enabling genocides and
3 mass atrocities;

4 (7) recognizes the importance of flexible contin-
5 gency crisis funding to enable United States civilian
6 agencies to respond quickly to help prevent and miti-
7 gate crises that could lead to significant armed con-
8 flict, genocide, and other mass atrocities;

9 (8) urges the Secretary of Defense to conduct
10 an analysis of the doctrine, organization, training,
11 material, leadership, personnel, and facilities re-
12 quired to prevent and respond to genocide and mass
13 atrocities;

14 (9) encourages the Secretary of State and Sec-
15 retary of Defense to work with the relevant congres-
16 sional committees to ensure that a priority goal of
17 all United States security assistance and training is
18 to support legitimate, accountable security forces
19 committed to upholding the sovereign responsibility
20 to protect civilian populations from violence, espe-
21 cially genocide and other mass atrocities;

22 (10) supports efforts by the United States Gov-
23 ernment to provide logistical, communications, and
24 intelligence support, as appropriate, to assist multi-

1 lateral diplomatic efforts and peace operations in
 2 preventing mass atrocities and protecting civilians;

3 (11) calls on other members of the international
 4 community to increase their support for multilateral
 5 diplomatic efforts and peace operations to more ef-
 6 fectively prevent mass atrocities and protect civil-
 7 ians;

8 (12) encourages the Secretary of State to work
 9 closely with regional and international organizations;
 10 the United Nations Special Adviser for the Preven-
 11 tion of Genocide, and civil society experts to develop
 12 and expand multilateral mechanisms for early warn-
 13 ing, information sharing, and rapid response diplo-
 14 macy for the prevention of genocide and other mass
 15 atrocities; and

16 (13) commits to calling attention to areas at
 17 risk of genocide and other mass atrocities and ensur-
 18 ing that the United States Government has the tools
 19 and resources to enable its efforts to prevent geno-
 20 cide and mass atrocities.

21 *That the Senate—*

22 (1) *recommits to honor the memory of the vic-*
 23 *tims of the Holocaust as well as the victims of all*
 24 *past genocides and mass atrocities;*

1 (2) affirms that it is in the national interest and
2 aligned with the values of the United States to work
3 vigorously with international partners to prevent and
4 mitigate future genocides and mass atrocities;

5 (3) supports the establishment of an interagency
6 policy committee and a National Security Council
7 position dedicated to the prevention of genocide and
8 other mass atrocities;

9 (4) urges the President—

10 (A) to direct relevant departments and
11 agencies of the United States Government to re-
12 view and evaluate existing capacities for antici-
13 pating, preventing, and responding to genocide
14 and other mass atrocities, and to determine spe-
15 cific steps to coordinate and enhance those ca-
16 pacities; and

17 (B) to develop and communicate a whole of
18 government approach and policy to anticipate,
19 prevent, and mitigate acts of genocide and other
20 mass atrocities;

21 (5) urges the Secretary of State, working closely
22 with the Administrator of the United States Agency
23 for International Development—

24 (A) to ensure that all relevant officers of the
25 Foreign Service and particularly those deploying

1 to areas undergoing significant conflict or con-
2 sidered to be at risk of significant conflict, geno-
3 cide, and other mass atrocities receive appro-
4 priate advanced training in early warning and
5 conflict prevention, mitigation, and resolution;

6 (B) to determine appropriate leadership,
7 structure, programs, and mechanisms within the
8 Department of State and the United States
9 Agency for International Development that can
10 enhance efforts to help to prevent genocide and
11 other mass atrocities; and

12 (C) to ensure recommendations for enhanc-
13 ing civilian capacities to help prevent and miti-
14 gate genocide and mass atrocities in the upcom-
15 ing Quadrennial Diplomacy and Development
16 Review;

17 (6) urges the Secretary of the Treasury, working
18 in consultation with the Secretary of State, to review
19 how sanctions and other financial tools could be used
20 against individuals and entities found to be directly
21 supporting or enabling genocides and mass atrocities;

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23 gency crisis funding to enable United States civilian
24 agencies to respond quickly to help prevent and miti-

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4 *analysis of the doctrine, organization, training, mate-*
5 *rial, leadership, personnel, and facilities required to*
6 *help prevent and respond to genocide and mass atroc-*
7 *ities;*

8 *(9) encourages the Secretary of State and Sec-*
9 *retary of Defense to work with the relevant congres-*
10 *sional committees to promote the effective use of*
11 *United States security assistance and training is to*
12 *support legitimate, accountable security forces com-*
13 *mitted to upholding the sovereign responsibility to*
14 *protect civilian populations from violence, especially*
15 *genocide and other mass atrocities;*

16 *(10) supports efforts by the United States Gov-*
17 *ernment to provide logistical, communications, and*
18 *intelligence support, as appropriate, to assist multi-*
19 *lateral diplomatic efforts and peace operations in pre-*
20 *venting mass atrocities and protecting civilians;*

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22 *community to increase their support for multilateral*
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2 closely with regional and international organizations,
3 the United Nations Special Adviser for the Prevention
4 of Genocide, and civil society experts to develop and
5 expand multilateral mechanisms for early warning,
6 information sharing, and rapid response diplomacy
7 for the prevention of genocide and other mass atroc-
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DECEMBER 21, 2010

Reported with an amendment and an amendment to the
preamble